

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JACQUELINE FERNANDEZ,

Plaintiff,

-v-

KIMERA INTERNATIONAL,

Defendant.  
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24 Civ. 3831(PAE) (GS)

ORDER

PAUL A. ENGELMAYER, District Judge:

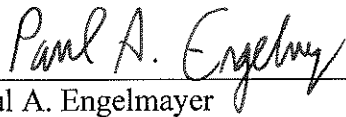
On March 29, 2024, plaintiff Jacqueline Fernandez filed this action against defendant Kimera International (“Kimera”) pursuant to the Americans with Disabilities Act, 42 U.S.C. § 12181 *et seq.* Dkt. 1 (“Complaint”). On May 21, 2024, the Court referred this case to United States Magistrate Judge Gary Stein for general pretrial supervision. Dkt. 5.

After Kimera failed to respond to the Complaint or otherwise appear, on July 15, 2024, Fernandez obtained a certificate of default from the Clerk of Court, Dkt. 9, but she did not move for default judgment against Kimera. On October 8, 2024, having heard nothing from Fernandez in the interim, Judge Stein ordered Fernandez, by October 23, 2024, to show cause why the case should not be dismissed for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b). Dkt. 10 (“October 8, 2024 Order”). Judge Stein advised that Fernandez could show cause by filing a motion for default judgment, and that if she did not show cause, her case may be dismissed. *Id.*

The deadline set by the October 8, 2024 Order has long passed, but Fernandez has yet to move for default judgment or show cause. Accordingly, under Rule 41(b) and the Court’s

inherent power, *see Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–32 (1962), the Court hereby dismisses this case without prejudice for Fernandez’s failure to prosecute.

SO ORDERED.

  
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Paul A. Engelmayer  
United States District Judge

Dated: January 16, 2025  
New York, New York